

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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EMAIL TRANSMISSION - 10/28/05

Instruction Memorandum No. MT-2006-007

Expires: 9/30/07

To: All Montana/Dakotas Employees

From: Deputy State Director, Division of Resources

Subject: New Standards for Recording Documents in Montana Clerk and Recorder
Offices

Program Area: The Lands and Realty and Records Administration programs, and any BLM program that records real property documents in Montana counties, are affected.

Purpose: This IM changes the format and content for documents that are recorded in the Montana Clerk and Recorder's offices. The affected documents include patents, quitclaim deeds, warranty deeds, disclaimers of interest, easements, and use authorizations.

Policy/Action: Whenever possible, all documents prepared by BLM which will eventually be recorded in a Montana Clerk and Recorder's office will conform to the new format and content requirements as identified below.

Timeframe: This IM takes effect immediately.

Budget Impact: Since the State of Montana passed the Montana Recording Act of 2005, document recording fees will increase by \$4.00 per page if the document format and content do not follow the requirements in the act. With minor changes to BLM-prepared documents, no additional recording fees will be incurred.

Background: Effective July 1, 2005, the legislature of the State of Montana passed an act providing specific standards for the recording of documents affecting real property with the county Clerk and Recorder's offices in Montana. Most of the new standards pertain to the format of documents, and it should be relatively easy to adapt new BLM documents to these standards. If a document does not meet these requirements, there is an additional \$4.00 per page recording fee. The new recording policy does not affect documents that were executed prior to July 1. A complete copy of the Montana Recording Act is attached for your reference.

To avoid the unnecessary payment of additional recording fees, all BLM-issued documents that convey an interest in real property in Montana will be prepared in the new format whenever feasible. The documents affected include patents, warranty and quitclaim deeds, disclaimers, easements, and possibly use authorizations, such as leases and rights-of-way. Following is a brief summary of the changes that affect BLM-prepared documents (bolding emphasis added):

1. Document shall be on white paper of not less than 20-pound weight, **a minimum of 10-point typeface, in black ink**, and with dimensions of either 8½ x 11 inches or 8½ x 14 inches.
2. Document shall have **margins that are clear of all markings of at least 3 inches at the top of the first page**, and 1 inch on the sides and bottom of every page, and 1 inch at the top of the second and any subsequent pages.
3. The **name and mailing address of the person to whom the document is to be returned** must be identified in the margin in the upper left-hand corner of the first page.

If it is not possible to make your document agree with the new Montana recording standards, be prepared to pay the extra recording fees.

Manual/Handbook Sections Affected: This IM affects only documents covering Montana real property and prepared pursuant to the BLM Patent Preparation Manual (1864), the Land Acquisition Handbook (2100), the BLM Land Exchange Handbook (2200), the BLM Right-of-Way Manual (2800, 2880), and the BLM Lease, Use and Permit Handbook (2900).

Coordination: Since this action affects only documents recorded in the State of Montana, no additional coordination outside the state is necessary.

Contact: For questions regarding this IM, please contact Dee Baxter at (406) 896-5044.

Signed by: Chun C. Wong for Randy D. Heuscher, Acting, DSD, Div. of Resources

Authenticated by: Kathy Iszler, Staff Assistant (MT-924)

1 Attachment

[1-Montana Recording Act](#) (2 pp in its entirety)